

REMARKS

Claims 1, 2, 4-21, 23-39 and 41 are pending in the application. Claims 1, 2, 6-21 and 25-38 have been allowed. Claims 4, 5, 23 and 24 were objected to because they were either directly or indirectly dependent on canceled claims. Claims 39-41 were rejected under 35 U.S.C. §102(e) as being anticipated by Saito. Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Saito in view of Gandhi et al. (Note that although paragraph 5 of the Office Action indicates that claims 3 and 22 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Saito in view of Gandhi, the Examiner noted in paragraph 2 that claims 3 and 22 had been canceled. The Applicants therefore interpret paragraph 5 to be inadvertently left over from the previous Office Action, and not applicable in the present Office Action.)

Claims 4 and 23 have been amended to correct the informality of being dependent on canceled claims. Claim 39 has been amended to include all of the limitations of claims 40 and 42. Claims 40 and 42 have been canceled. Reconsideration and reexamination of the application in view of the amendments and following remarks is respectfully requested.

Claims 4, 5, 23 and 24 were objected to because they were either directly or indirectly dependent on canceled claims. Claims 4 and 23 have been amended to correct the informality of being dependent on canceled claims 3 and 22, respectively, and now depend from allowed claims 1 and 20, respectively. Claims 5 and 24, which depend from claims 4 and 23, respectively, now also depend from allowed claims 1 and 20, respectively. With the amendments to claims 4 and 23, it is respectfully submitted that the objections to claims 4, 5, 23 and 24 have been overcome.

Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Saito in view of Gandhi. As noted in the previous response (which was not addressed in the current Office Action), the Applicants respectfully submit that Gandhi is not prior art. The present application has a U.S. filing date of January 18, 2002, and priority under 35 U.S.C. § 119(e)(1) has been claimed to U.S. Provisional Application No. 60/262,689, filed on January 19, 2001. The pending claims of the present application are fully supported by U.S. Provisional Application No. 60/262,689. Gandhi has a U.S. filing date of March 5, 2001. Because U.S. Provisional Application No. 60/262,689 was filed

before the U.S. filing date of Gandhi, Gandhi does not qualify as prior art under § 102(e). See MPEP 2141.01. In view of the above, it is respectfully submitted that the rejection of claim 42 (now canceled) under 35 U.S.C. §103(a) as being unpatentable over Saito in view of Gandhi should be withdrawn, and that claim 42 would be allowable, if still pending.

Claims 39-41 were rejected under 35 U.S.C. §102(e) as being anticipated by Saito. Claim 39 has been amended to include all of the limitations of claims 40 and 42. As indicated above, claim 42 would be allowable, if still pending. Nevertheless, the limitations of claim 42 are being included in claim 39, and claim 42 is being canceled. Because claim 42 would be allowable if still pending, claim 39 is also allowable.


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 440402000700.

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Respectfully submitted,

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